

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL JOHN VERA,  
Plaintiff,

v.

SUPERIOR COURT OF SANTA CRUZ  
COUNTY,  
Defendant.

Case No. [22-cv-02426-TLT](#)

**ORDER OF DISMISSAL:  
DENYING CERTIFICATE OF  
APPEALABILITY**

Petitioner filed a petition for a writ of habeas corpus on April 20, 2022. Dkt. No. 1. That same day, the Clerk of the Court informed petitioner that this action was deficient because he had not submitted an *in forma pauperis* application or paid the filing fee. Dkt. No. 2. The Court informed petitioner that he needed to correct the deficiency within twenty-eight days from the date of the notice to avoid dismissal of this action. Dkt. No. 2. The deadline has passed, and petitioner has not submitted the required documents. The Court also notes that it appears that petitioner is no longer in custody. *See* Dkt. Nos. 8, 9.


The Court therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion must be accompanied by either payment of the full filing fee or a complete *in forma pauperis* application.

A certificate of appealability will not issue unless a petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This standard requires the petitioner to show that “jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The petitioner must show “something more than the absence of frivolity or the existence of mere good

1 faith.” *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003). Reasonable jurists would not disagree  
2 with the Court’s conclusion or find that this case should proceed further. Accordingly, a  
3 certificate of appealability is DENIED.

4 **IT IS SO ORDERED.**

5 Dated: October 28, 2022

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9 TRINA L. THOMPSON  
10 United States District Judge  
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